

**AMENDMENT TO MR. OBERSTAR'S AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 2881
OFFERED BY MR. PEARCE OF NEW MEXICO**

At the end of title VIII, insert the following (and
conform the table of contents accordingly):

1 SEC. 816. ACCESS TO AIR TRANSPORTATION.

2 (a) IN GENERAL.—In order to promote greater ac-
3 cess to air transportation for all persons, the Secretary
4 of Transportation shall permit a public charter operator,
5 operating under part 380 of title 14, Code of Federal Reg-
6 ulations, to utilize any direct air carrier certificated under
7 part 121 or 135 of title 14, Code of Federal Regulations,
8 either alone or in combination with any other such direct
9 air carrier, in conducting public charters.

10 (b) SMALL COMMUNITY SERVICE.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), in order to support air transportation
13 service to small communities, the Secretary of
14 Transportation shall permit public charter oper-
15 ations in turbine-powered aircraft with 9 or fewer
16 passenger seats, conducted under part 380 of title
17 14, Code of Federal Regulations, and utilizing part
18 135 of title 14, Code of Federal Regulations—

1 (A) if each on-demand air carrier provides
2 scheduled air service with a frequency of oper-
3 ations of less than 5 round trips per week on
4 all routes between 2 or more points according
5 to the published flight schedule; or

6 (B) certificated commuter air carriers, to
7 conduct a series of trips if the commuter air
8 carrier provides scheduled air service with a fre-
9 quency of operations of 5 or more round trips
10 per week on any route between 2 or more
11 points according to the published flight sched-
12 ule.

13 (2) AIRPORT PARTICIPATION.—An airport au-
14 thority, municipality, or other airport governing
15 body may choose not to receive air transportation
16 services described in paragraph (1) if such airport
17 notifies the Administrator of the Federal Aviation
18 Administration not later than 180 days after making
19 such choice.

20 (c) PUBLICATION OF LIST.—The Administrator of
21 the Federal Aviation Administration shall publish a
22 monthly list of airports that decline air transportation
23 services under subsection (b).